

**ONE HUNDREDTH LEGISLATURE - SECOND SESSION -
2008**

COMMITTEE STATEMENT

LB1019

Hearing Date: February 25, 2008

Committee On: Business and Labor

Introducer(s): (Business and Labor Committee)

Title: Provide for payment of claims against the state

Roll Call Vote - Final Committee Action:

Placed on General File with Amendments

Vote Results:

5 Yes	Senators Cornett, McGill, Rogert, Wallman, White
0 No	
2 Absent	Senators Chambers, Lathrop*
0 Present, not voting	

* Absence due to abstention for potential conflict of interest

Proponents:

Lori Thomas
Laura Peterson

Opponents:

Neutral:

Kris Peterson
Jodi Fenner
David Cookson

Representing:

Business and Labor Committee
Department of Administrative Services

Representing:

Representing:

Department of Health and Human Services
Department of Health and Human Services
Nebraska Attorney General

Summary of purpose and/or change:

LB 1019 was introduced at the request of the Department of Administrative Services, Risk Management Division, pursuant to statute, to appropriate funds for the payment of certain claims and provide for the payment of such claims, to authorize certain write-offs, and to declare an emergency.

Section 1: would appropriate funds for the payment of miscellaneous claims. Any approved Miscellaneous Claim in excess of \$10,000 must be reviewed by the Legislature. The bill requests payment from the general fund for the following claims:

- 1) \$14,329.25, Claim Number 2007-01741 against the Department of Revenue out of the General Fund requesting a reissuance of an expired warrant.

Miscellaneous Claims Total: \$14,329.25

Section 2: would appropriate funds for the payment of tort claims under the State Tort Claims Act, which have been settled by the Attorney General in District Court, or a judgment, has been entered by a court and now requires the approval of the Legislature for payment.

- 1) \$9,900,000.00 for Tort Claim number 01-009, against the Department of Roads for a traffic accident arising out of a stoplight malfunction in Schuyler, to be paid out of the Roads Operations Cash Fund.
- 2) \$25,100.57 for Tort Claim number 03-132, against the Department of Correctional Services. This claim arose out of an inmate's ankle injury at the Nebraska State Penitentiary. Claimant alleges pain, swelling and disability as a result of the delay in treatment. Claim to be paid out of the General Fund.
- 3) \$25,000.00 for Tort Claim Number 03-492, against the Department of Health and Human Services. This claim arose from the placement of the claimant in the Foster home of Joyce and Clay Champoux. Claimant alleges sexual assault on at least two occasions by the Champoux's adopted son. Claim to be paid out of the General Fund.

Tort Claims Total: \$9,950,100.57

Section 3: would authorize the Director of Administrative Services to draw warrants upon the funds in the state treasury for payment to the listed beneficiaries. Payments to the listed beneficiaries shall constitute full payment and shall release the State from further obligation to said beneficiaries under the listed claims.

Section 4: would authorize state agencies to write-off certain accounts. They are as follows:

- The **State Surveyor** filed Request No. 2007-01177, to write-off \$1,352.50 for unpaid land surveys. The debtor is deceased and numerous attempts to collect from the debtor's estate have failed.
- The **Nebraska Supreme Court** filed Request No. 2007-01364 to write-off \$130.01 in past due accounts.
- The **Department of Health and Human Services for the Hastings Regional Center** filed Request No. 2007-01728 to write-off \$25.00 in uncollectible debts on three patient trust accounts.
- The **Clerk of the Legislature** filed Request No. 2008-02081 to write-off \$95.18 in uncollectible invoices for reproduction of legislative materials.

- The **Military Department** filed Request No. 2008-02148 to write-off \$3,516.04 in uncollectible accounts receivable from the Tuition Assistance Program.
- The **Department of Health and Human Services** filed Request No. 2008-02148 to write off \$385,746.64 in uncollectible debts.
- The **Department of Roads** filed Request No. 2008-02286 to write-off \$122.11 in uncollectible debt due to property damage to a fence owned by NDOR.
- The **Department of Roads** filed Request No. 2008-02286 to write-off \$2,564.74 due to property damage where NDOR settled for an amount less than the total amount of damages.

Total Agency Write-off Requests: \$393,552.22

Explanation of amendments, if any:

The committee amendment (AM2334) would add the following tort claims which were settled after the bill was introduced and accordingly adjusts the total appropriation amount for tort claims under the bill. The claims contained in the committee amendments were introduced and discussed at the hearing for LB 1019 and they are as follows:

- \$49,500.00 for Tort Claim Number 02-858, against the Department of Health and Human Services for alleged sexual abuse of a patient by an employee of the Lincoln Regional Center, to be paid out of the General Fund.
- \$25,000.00 for Tort Claim Number 02-859, against the Department of Health and Human Services for alleged sexual abuse of a patient by an employee of the Lincoln Regional Center, to be paid out of the General Fund.
- \$15,000.00 for Tort Claim Number 02-860, against the Department of Health and Human Services for alleged sexual abuse of a patient by an employee of the Lincoln Regional Center, to be paid out of the General Fund.
- \$17,500.00 for Tort claim Number 02-861, against the Department of Health and Human Services for alleged sexual abuse of a patient by an employee of the Lincoln Regional Center, to be paid out of the General Fund.
- \$45,500.00 for Tort Claim Number 02-862, against the Department of Health and Human Services for alleged sexual abuse of a patient by an employee of the Lincoln Regional Center, to be paid out of the General Fund.
- \$30,000.00 for Tort Claim Number 02-863, against the Department of Health and Human Services for alleged sexual abuse of a patient by an employee of the Lincoln Regional Center, to be paid out of the General Fund.
- \$22,500.00 for Tort Claim Number 03-001, against the Department of Health and Human Services for alleged sexual abuse of a patient by an employee of the Lincoln Regional Center, to be paid out of the General Fund.
- \$20,000.00 for Tort Claim Number 03-152, against the Department of Health and Human Services for alleged sexual abuse of a patient by an employee of the Lincoln Regional Center, to be paid out of the General Fund.

- \$10,500.00 for Tort Claim Number 03-892, against the Department of Health and Human Services for alleged sexual abuse of a patient by another patient while in the care of the Norfolk Regional Center, to be paid out of the General Fund.
- \$10,000.00 for Tort Claim Number 03-893, against the Department of Health and Human Services for alleged sexual abuse of a patient by another patient while in the care of the Norfolk Regional Center, to be paid out of the General Fund.
- \$20,000.00 for Tort Claim Number 03-918, against the Department of Health and Human Services for alleged sexual abuse of a patient by another patient while in the care of the Norfolk Regional Center, to be paid out of the General Fund.

- \$75,000.00 for Tort Claim Numbers 00-577 and 99-686, against the Department of Health and Human Services for alleged sexual abuse of a foster couple's eight biological children by a foster child placed in the claimant's home, to be paid out of the General Fund.
- \$225,000.00 for tort Claim Numbers 04-801 and 04-802 against the Department of Roads involving a vehicle accident with a Nebraska Department of Roads snow plow, to be paid out of the State Insurance Fund.

The amendment would accordingly adjust the Tort Claim allocations and change the total Tort Claim amount to \$10,515,600.57.

Senator Abbie Cornett, Chairperson